

Correction, February 6, 2009:

On January 22, 2009, USEPA published Notices of Proposed Action in the *Samoa News* announcing USEPA's tentative decisions to deny variances pursuant to section 301(h) of the Clean Water Act for the Tafuna and Utulei wastewater treatment plants. The Notices of Proposed Action erroneously stated that copies of the administrative records for these tentative decisions would be available for public review at the offices of the American Samoa Environmental Protection Agency. Subsequently, USEPA was informed that this would not be possible. USEPA will instead partner with the Feleti Barstow Public Library in American Samoa to house the copies of the administrative record so the documents will be readily available for public review (see contact information in the revised notice below). In addition to the notice given on the USEPA Region 9 website, USEPA will issue a notice in the *Samoa News* describing the location. In the meantime, the tentative decisions are available on USEPA's website at <http://www.epa.gov/region09/water/npdes/pubnotices.html> as well as in the USEPA Region 9 offices in San Francisco. Additionally, copies of certain documents can be obtained from Pascal Mues at USEPA as described below. The corrected version of the January 22, 2009, public notice, with the incorrect text in ~~strikeout~~ and the replacement text underlined, is as follows:

NOTICE OF PROPOSED ACTION by the

U. S. Environmental Protection Agency
Region IX, WTR-5
75 Hawthorne Street
San Francisco, CA 94105-3901
Telephone: (415) 972-3768

Public Notice number: AS-09-W-03

Publication Date: January 15, 2009

The U. S. Environmental Protection Agency, Region IX (USEPA) is issuing the following notice of proposed action under the Clean Water Act (CWA) and EPA regulations.

EPA is issuing a tentative decision to deny an application for a renewed variance from secondary treatment requirements of the Clean Water Act pursuant to CWA section 301(h) from the discharger:

American Samoa Power Authority
Utulei Sewage Treatment Plant
Utulei, Ma'Oputasi
Tutuila Island, AS 96799

A public comment period on this tentative decision is being held through March 6, 2009. EPA will conduct a public hearing to take comment on this proposed action in accordance with 40 CFR 124.12 based on input from the community.

This application relates to discharge of treated wastewater from the Utulei Sewage Treatment Plant. Wastewater is discharged to marine waters of the outer Pago Pago Harbor off Tulumulu

Point through an outfall approximately 954 feet (291 meters) offshore and at a depth of 150 feet (45.7 meters). The Regional Administrator of EPA, pursuant to CWA section 301(h) and 40 CFR Part 125, Subpart G, has tentatively concluded that this treatment plant does not qualify for a renewed variance and has tentatively decided to deny the variance request.

The Administrative Record, which includes the tentative decision document, fact sheet, variance application, all data submitted by the applicant, and other relevant documents, is available for review at the USEPA address above, Monday through Friday, between 9:00 a.m. and 3:00 p.m. For the public's convenience, the tentative decision, fact sheet, and the variance application ~~are~~ will also be available at the office of the American Samoa Environmental Protection Agency (ASEPA) in the Utulei Office Building between 9:00 a.m. and 3:00 p.m., and at the Feleti Barstow Public Library (tel. (684) 633-5816) in Pago Pago during normal business hours, as well as on USEPA Region 9's website at: <http://www.epa.gov/region09/water/npdes/pubnotices.html> Further information, including copies of the tentative decision, fact sheet, and variance application, can be obtained from Pascal Mues at (415) 972-3768.

Persons wishing to comment on the tentative decision must submit their comments in writing by the close of the public comment period on March 6, 2009, either in person, by mail to the attention of Pascal Mues at the EPA address shown above, by email to R9-Utulei-301h-Comments@epa.gov, or at the public hearing.

After the completion of this public comment period, EPA will consider all timely public comments and make a final decision on the application. Upon issuance of the final decision, EPA will notify the applicant and persons who submitted written comments or requested notice of the final decision. This notice will include reference to the procedures for appealing the final decision.

All persons who believe the tentative decision to deny the variance request is inappropriate must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period. Any supporting materials that are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the Administrative Record, or consist of State or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials.

Please bring the foregoing notice to the attention of all persons who you know would be interested in this matter.

Wayne Nastri,
Regional Administrator
U. S. EPA Region IX